

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DARYL S. HAWKINS,

Plaintiff,

Case No. 20-cv-1719-pp

v.

CAPTAIN FRIEND, *et al.*,

Defendants.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO PAY INITIAL
PARTIAL FILING FEE**

On January 6, 2021, the court ordered that on or before February 5, 2021 the plaintiff must pay an initial partial filing fee of \$20.76. Dkt. No. 8. The January 6, 2021 order told the plaintiff that if he did not pay the initial partial filing fee or show cause for his failure to do so by February 5, 2021, the court would conclude that he had voluntarily withdrawn his case and would close the case without prejudice. *Id.* at 2. The court sent the order to the plaintiff at the Racine County Jail, the address listed on his complaint.

The February 5, 2021 deadline has passed, and the court has not received anything from the plaintiff. The court checked the inmate locator site for the Racine County Jail; the plaintiff is still there. The court will dismiss the case without prejudice.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** because the plaintiff did not pay the initial partial filing fee by the deadline the court set. The clerk will enter judgment accordingly.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within 30 days of the entry of judgment. See Fed. R. of App. P. 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. See Fed. R. App. P. 4(a)(5)(A).

In limited circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within 28 days of the entry of judgment. The court cannot extend this deadline. See Fed. R. Civ P. 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. See Fed. R. Civ. P. 6(b)(2). The court expects parties to closely review all applicable rules and determine, what, if any, further action is appropriate in a case.

Dated in Milwaukee, Wisconsin this 19th day of February, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge